THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23610 of 2007

Date:07.11.2007

Between:
M.Santhosh

… Petitioner

AND
The Deputy Transport Commissioner
and Secretary, Regional Transport
Authority, Adilabad, Adilabad District.

… Respondents

Counsel for the petitioners: Sri S.Surender Reddy

Counsel for the respondents: Asst. Govt. Pleader for Transport for R.1

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HONOURABLE MR.JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23610 of 2007

ORDER:-

Today, in the forenoon, the matter was adjourned to 21-11-2007. After the above order was passed, learned counsel for the petitioner made a request to take up the case today itself and with the consent of the learned Assistant Government Pleader for Transport, the case is taken up in the afternoon.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Transport for respondent No.1.

The petitioner claims to be the owner of jeep bearing registration No.AP-1-U-3956 (Maxi Cab – LMV). The vehicle was intercepted on 9-10-2007 by the Inspector of Police, Traffic Police Station, Adilabad, respondent No.2 herein, and seized on two allegations, viz., that the driver was not having driving license and he failed to produce the Registration Certificate and other documents of the jeep; and that the jeep was carrying 15 passengers from Adilabad to Bela. The petitioner claims that his application dated 27-10-2007, for release of the vehicle, is not disposed of by the Deputy Transport Commissioner and Secretary, Regional Transport Authority, Adilabad, respondent No.1 herein.

The learned Assistant Government Pleader for Transport says that as the petitioner was plying the vehicle without necessary documents, including the Registration Certificate, and violated the provisions of the Motor Vehicles Act by carrying 15 passengers, the vehicle was seized. Since the 1st respondent is seized of the issue relating to the liability of the petitioner for the alleged violations, I am not inclined to go into the merits of this case. However, pending consideration by

respondent No.1 about the petitioner's liability, I am of the view that by detaining the vehicle in the custody, there is every likelihood of deterioration in the condition of the vehicle causing hardship to the petitioner.

Therefore, the Writ Petition is disposed of with the following directions:

(1) The petitioner shall produce all the documents, including the driving license of the driver, who was driving the jeep at the relevant time, and the Registration Certificate. In addition to the same, he should also produce proof of payment of tax for the relevant period as Maxi Cab. If the petitioner does not show proof of payment of tax as aforementioned, he shall not be entitled to release of the jeep unless he pays the tax, which excludes differential tax, if any and penalty etc., for the alleged misuse of the jeep.

(2) On production of the documents and/or payment of tax, as mentioned in Clause (1) supra, respondent No.1 shall release the jeep bearing No.AP-1-U 3956 to the petitioner.

(3) The petitioner shall give an undertaking to respondent No.1 that he will not alienate or in any manner transfer or alter the nature of the said jeep till the proceedings before the 1st respondent, initiated on the basis of the vehicle check report dated 9-10-2007, are concluded.

C.V.NAGARJUNA REDDY,J
07-11-2007

MNR